

No. 79

---

---

2nd Session, 15th Legislature, Alberta  
13 Elizabeth II

---

---

## **BILL 79**

A Bill to amend The School Act

---

---

HON. MR. MCKINNON

---

---

## **Explanatory Note**

**1.** The School Act, R.S.A. 1955, chapter 297, amended.

**2.** Section 23, subsections (5) and (6) presently read:

(5) Notwithstanding subsection (1), the Minister by order may establish a school division comprising all school districts in the area contained within the outer boundaries of Local Improvement District No. 10.

(6) The Minister in the order referred to in subsection (5)

(a) may provide that one or more subdivisions be represented by two trustees on the board of the division, and

(b) shall provide for the terms of office of the trustees to be so elected.

The new subsection (5) will permit a division to be created consisting of the present Drumheller city school district and the Red Deer Valley School Division.

**3.** Section 44 (c) is re-enacted to change the reference to the now defunct School Lands Trust Fund to the General Revenue Fund.

**4. (a)** Section 173 deals with appointment of board officers. The new subsection (2b) will permit acting officers to be appointed.

(b) This is the present subsection (5) with the addition of the part permitting probationary appointments.

# BILL

No. 79 of 1965

An Act to amend The School Act

(Assented to \_\_\_\_\_, 1965)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The School Act* is hereby amended.
2. Section 23 is amended
  - (a) by striking out subsection (5) and by substituting the following:
    - (5) Notwithstanding subsection (1), the Minister by order may constitute a division consisting of
      - (a) all school districts wholly within Improvement District No. 10, or
      - (b) Drumheller School District No. 2472 and all rural public school districts wholly within Improvement District No. 42.
  - (b) as to subsection (6) by striking out the words "two trustees" and by substituting the words "one, two or three trustees".
3. Section 44 is amended by striking out clause (c) and by substituting the following:
  - (c) to the Provincial Treasurer for payment into the General Revenue Fund,
4. Section 173 is amended
  - (a) by adding after subsection (2a) the following subsection:
    - (2b) The board may appoint an employee as acting secretary, acting treasurer, acting secretary-treasurer or other acting officer of the board, and the employee so appointed shall act only in the absence from duty of the officer for whom he is appointed to act, or in the case of a vacancy, and has, when so acting, the power and authority of the office for which he is appointed to act.
  - (b) by striking out subsection (5) and by substituting the following:

**5. Section 174, subsection (1) authorized trustees to fix their remuneration for attendance at meetings. Subsection (4) presently reads:**

- (4) In the case of a division
  - (a) the amount of the payment shall not exceed fifteen dollars per day for each meeting, together with an allowance of not more than twelve cents per mile for every mile necessarily travelled in coming to and returning from meetings of the board, and
  - (b) the number of board meetings in respect of which a trustee may be paid shall not exceed twelve regular meetings and two special meetings in any one year.

The effect of the amendment is to remove the present restrictions on the daily allowance and number of meetings. See also the clauses of this Bill amending sections 186 and 189.

**6. Section 177, clause (c) presently reads:**

- 177. The board of a non-divisional district or of a division shall  
.....
  - (c) provide adequate instructional facilities for pupils who have attained the full age of six years by the first day of September of any school year,

**7. Section 178, subsection (1), clause (a) presently reads:**

- 178. (1) The board of a non-divisional district or of a division may
  - (a) decide the school that any pupil living in the district or division is to attend,

**8. The present clause (c) is re-enacted as clause (b) of section 180: see note to clause 9 of this Bill. The result is to make suspension or expulsion for a breach of discipline permissive rather than mandatory.**

**9. Section 180, clauses (a) and (b) presently read:**

- 180. The board of a non-divisional district or of a division may
  - (a) require the parent or guardian of a pupil to replace or pay for school property destroyed, broken or damaged by the pupil,
  - (b) suspend the pupil until the loss or damage is replaced or paid for,

The new clause (a) replaces the present clauses (a) and (b) in order to divorce the matter of discipline for damage to school property from liability for that damage. (Liability as such is dealt with in the new section 180a, added by clause 10 of this Bill.) The new subsection (2) permits reinstatement by the Chief Superintendent of Schools in these cases.

The new clause (b) of subsection (1) is the same as clause (c) of section 179. Section 179 prescribes duties whereas section 180 gives discretionary powers.

(5) In the case of a division the appointment of the secretary-treasurer shall be subject to the approval of the Minister but the appointment may be made for a probationary period not exceeding six months without the approval of the Minister as to that period.

**5.** Section 174 is amended by striking out subsection (4) and by substituting the following:

(4) In the case of a division, the board may determine the amount per day for each meeting, together with an allowance per mile for every mile necessarily travelled in coming to and returning from meetings of the board.

**6.** Section 177 is amended by striking out clause (c) and by substituting the following:

(c) provide adequate instructional facilities for pupils who have attained the full age of six years by the first day of September of any school year and whose parents or guardians reside in the district or division,

**7.** Section 178, subsection (1) is amended by striking out clause (a) and by substituting the following:

(a) decide, as to any pupil whose parent or guardian resides in the district or division, the school that the pupil is to attend,

**8.** Section 179 is amended by adding the word "and" at the end of clause (b) and by striking out clause (c).

**9.** Section 180 is amended

(a) by renumbering the section as subsection (1),

(b) as to the renumbered subsection (1) by striking out clauses (a) and (b) and by substituting the following:

(a) suspend from school a pupil who has intentionally or negligently destroyed, damaged, lost or converted school property,

(b) suspend or expel from school or exclude from travelling on a school bus any pupil who, upon investigation by the board, is found to be guilty of open opposition to authority, wilful disobedience, habitual neglect of duty, the use of profane or improper language, or other conduct injurious to the moral tone or well-being of the school or to the welfare of the pupils being transported in the school bus, as the case may be,

**10.** This new section extends liability for damages to school property to parents or guardians of the pupils, where the general rule at common law is that a parent is not liable for the torts of his children. See also clauses 8 and 9 of this Bill.

**11. Section 186, subsection (1), clause (e) presently reads:**

**186.** (1) The board of a division shall  
.....

- (e) pay the expenses of any trustee incurred in attending meetings of a council as representative of the board, up to a sum not exceeding fifteen dollars per day for each meeting, and not exceeding twelve cents for every mile necessarily travelled in coming to and returning from such meetings,

The effect of the amendment is to remove the restrictions on the daily allowance and mileage allowance paid to a trustee who attends municipal council meetings as the board's representative.

**12. Section 189 presently reads:**

**189.** (1) The board of a division may provide by resolution that there be paid to each trustee an allowance not exceeding fifteen dollars per day for each day spent in administrative and supervisory work performed for the board within the division together with an allowance of not more than twelve cents per mile for every mile necessarily travelled in performing that work.

- (2) The payments under any such resolution shall not be made
  - (a) in case of the chairman, for more than twenty-five days in any year,
  - (b) in case of any other trustee, for more than fifteen days in any year, and
  - (c) for work not authorized in advance by the board, unless it is of an emergent nature and subsequently approved by the board.

The effect of the amendment is to remove the restrictions on daily allowances and the mileage allowance paid to trustees for doing administrative work.

**13.** Section 203 requires an annual audit of the books and accounts of non-divisional districts and boards.

(c) by adding the following subsection:

(2) The Chief Superintendent of Schools may, on application of a parent or guardian of a pupil suspended pursuant to clause (a) of subsection (1), reinstate the pupil.

**10.** The following section is added after section 180:

**180a.** (1) Where school property of a non-divisional district or a division is destroyed, damaged, lost or converted by the intentional or negligent act of a pupil, the pupil and his parent or guardian are jointly and severally liable to the board in respect of the act of the pupil.

(2) Where school property of a non-divisional district or a division is destroyed, damaged, lost or converted by the intentional or negligent acts of two or more pupils acting together, the pupils and their parents or guardians are jointly and severally liable to the board in respect of the acts of the pupils.

**11.** Section 186, subsection (1) is amended by striking out clause (e) and by substituting the following:

(e) provide by resolution for the payment to a trustee appointed to attend meetings of a council as representative of the board, the necessary expenses incurred in attending such meetings and the rate per day for each meeting he attends,

**12.** Section 189 is struck out and the following is substituted:

**189.** (1) The board of a division may by resolution provide for the payment to each trustee of a daily allowance for each day spent in administrative and supervisory work performed for the board within the division together with an allowance per mile for every mile necessarily travelled in performing that work.

(2) The payments shall not be made for work not authorized in advance by the board, unless it is of an emergent nature and subsequently approved by the board.

(3) The board may by resolution provide for the payment to the chairman of a daily allowance for each day necessarily spent in the discharge of his duties as chairman, other than attendance at board meetings and an allowance per mile for every mile necessarily travelled in the discharge of his duties as chairman.

**13.** Section 203 is amended by adding the following subsection:

(3) Unless their removal is otherwise required by law, no records, books, contracts, accounts, vouchers, receipts, or other documents or moneys or securities shall be removed

**14. Section 205, subsection (1) presently reads:**

205. (1) The auditor shall audit and report upon all books and accounts affecting the district or division or relating to any matter under its control or within its jurisdiction.

**15. Section 205 requires the auditor to report on his annual audit and section 206 requires a special report in cases of unauthorized expenditures and irregularities.**

**16. Section 212(2) deals with acquisition of school sites by a divisional board with the Minister's approval. Subsection (3) presently reads:**

(3) Notwithstanding subsection (2), the approval of the Minister is not required for the acquisition of a site or of an addition to a site in a divisional town district if the divisional and district boards agree with respect to the location of the site or of the addition to the site, as the case may be.

The new subsection (4) makes ministerial approval unnecessary as to teacher's residences.

**17. Section 214a ensures that a board may acquire an option to buy land.**

**18. Section 238 presently reads:**

238. The notice mentioned in section 237 need not be given and a poll is not required in a division if the total of the amounts of the borrowings of the division for the purposes mentioned in clauses (a), (b) and (c) of subsection (1) of section 235, and

(a) approved in that year by the Minister under section 233, and

(b) authorized in that year by the Local Authorities Board under section 260,

does not exceed one hundred thousand dollars or one and one-half per cent of the total assessed value of the division, whichever is less.

**19. Section 285, subsection (1) presently reads:**

285. (1) Immediately after the adoption of its estimate, the board shall on the form approved by the Minister requisition the municipality for that portion of its estimate that is required to be raised by the municipality.

The requisition of a district board cannot be made to a municipality until the advice of the Department is received in cases where the board budgets for amounts in excess of those provided from the School Foundation Program Fund (section 304a). An equivalent change is made to section 301 as to divisional boards.

**20. Section 287a provides a procedure for determining who are public and separate school supporters. Subsection (8) presently reads:**

(8) Any person who is recorded by a municipality as a separate school supporter may at any time give written notice to the municipality stating that he is not Roman Catholic or not Protestant, whichever is the faith of those who established the district, and thereupon the municipality shall change its records to indicate that person's property as being assessable and taxable for public school purposes and, in the case of a city or town, to indicate that person on its voters' list as an elector of the public school district.



from the office of the board or any other place where they are deposited for safekeeping, without the approval of the board.

**14.** Section 205, subsection (1) is amended by adding after the word "report" the words "to the board".

**15.** The following section is added after section 206:

**206a.** The auditor shall forward to the Department a copy of every report made by him to a board pursuant to sections 205 and 206.

**16.** Section 212 is amended

(a) as to subsection (3) by striking out the words "if the divisional and district boards agree with respect to the location of the site or of the addition to the site, as the case may be",

(b) by adding the following subsection:

(4) This section does not apply to a site for a teacher's residence.

**17.** The following section is added after section 214:

**214a.** The board of a non-divisional district or a division may enter into a contract conferring on the board an option to purchase a site for a school building.

**18.** Section 238 is amended by adding the word "and" at the end of clause (b) and by adding the following clause after clause (b):

(c) proposed to be borrowed in that year by debenture,

**19.** Section 285, subsection (1) is amended by striking out the words "estimate, the board" and by substituting the words "estimate and, where applicable, the receipt of the advice of the Department pursuant to subsection (9) of section 304a, the board of a non-divisional district".

**20.** Section 287a is amended by adding the following subsection:

(9) Where a person gives a notice under subsection (8), the change in the assessment roll shall not be effective for taxation purposes until the year following the year in which the notice is given.

**21. Section 301, subsection (1) presently reads:**

301. (1) A divisional board, as soon as possible after the adoption of its estimates, shall submit to each municipality, on the form approved by the Minister, its requisition computed according to the provisions of section 300.

See note to clause 19 of this Bill.

**22. Section 304a deals with the School Foundation Program Fund. Subsection (5) presently reads:**

(5) Each municipality shall pay one-third of the sum required in each year on or before the first days of each of the months of June, September and December.

This amendment will not come into force until January 1, 1966.

**23. Section 307, subsection (3) presently reads:**

(3) Subject to the approval of the Minister two boards may enter into an agreement whereby one board provides conveyance for pupils residing in a district or division under the jurisdiction of the other board.

**24. Section 329 presently reads:**

329. All disputes as to the amount of fees payable by a board or by a parent or guardian under the provisions of this Part shall be referred to the Chief Superintendent of Schools whose decision is final.

**25. Section 369 deals with suspension of pupils. The new subsection (5) will permit a board to make a general regulation authorizing the principal to revoke the suspension.**

**26. The present subsection (2) with the addition of clause (a). By section 372, subsection (1) a teacher whose designation as a principal, vice-principal or assistant principal has been terminated by a board may request a hearing if the termination is effective in July.**

**27. Section 400, subsection (1), clause (e) presently reads:**

400. (1) A child is excused from attendance at school if

- .....
- (e) the child has passed the grade nine examination of the Department or has completed a course that gives him an equivalent standing, or
- .....

The effect of the amendment is to require attendance at school until age 15 regardless of attainment as long as further schooling is available for the pupil.

**28. Commencement of Act.**

**21.** Section 301, subsection (1) is amended by adding after the word "estimates" the words "and, where applicable, the receipt of the advice of the Department pursuant to subsection (9) of section 304a".

**22.** Section 304a, subsection (5) is amended by striking out the words "June, September and December" and by substituting the words "May, August and November".

**23.** Section 307 is amended by striking out subsection (3) and by substituting the following:

(3) Subject to the approval of the Minister two boards may enter into an agreement whereby one board provides conveyance for pupils whose parents or guardians reside in a district or division under the jurisdiction of the other board.

**24.** Section 329 is amended by striking out the words "Chief Superintendent of Schools" and by substituting the words "Director of School Administration of the Department".

**25.** Section 369 is amended by adding the following subsection:

(5) The board may, by regulation, authorize any principal to revoke a suspension imposed by him or by a teacher in his school, if in the principal's opinion it is proper to do so.

**26.** Section 372 is amended by striking out subsection (2) and by substituting the following:

- (2) If a hearing is requested, the board shall
- (a) within fourteen days of the receipt of the request, provide an opportunity for the teacher to appear before the board or a committee thereof to hear the reasons for the termination of the designation and to reply thereto, and
  - (b) at the commencement of the hearing, provide the teacher with a written statement of the reasons for termination of the designation.

**27.** Section 400, subsection (1) is amended by striking out clause (e).

**28.** (1) This Act, except section 22, comes into force on the day upon which it is assented to.

(2) Section 22 comes into force on the first day of January, 1966.

No. 79

---

---

SECOND SESSION

FIFTEENTH LEGISLATURE

13 ELIZABETH II

1965

---

---

**BILL**

An Act to amend The School Act

---

---

Received and read the

First time.....

Second time.....

Third time.....

---

---

HON. MR. MCKINNON

---

---